

In re Patent Application of:
THOMSON ET AL.
Serial No. 09/658,509
Filed: **SEPTEMBER 8, 2000**

invention, have been canceled. Claims 1-27 remain pending in the application.

The arguments supporting patentability of the present invention are found below.

I. The Double Patenting Rejection

The Examiner also issued a non-statutory double patenting rejection of Claims 1-27. More particularly, the Examiner notes that the claims are unpatentable over Claims 1, 3, 15, 24, 27, 31, 33, 35, 38, 40, 43, and 45 of copending Application No. 09/658,389 in view of the Roddy patent and in view of the Giard patent.

As discussed during the interview, Applicants respectfully disagree with the Examiner and submit that the present application and the co-pending patent application are directed to patentably distinct aspects of the bicycle stem. More specifically, the above referenced claims of the present application are directed to the details of a handlebar clamping portion of the bicycle stem. The claims of the above-referenced co-pending application, however, are directed to the details of a steering tube clamping portion of a bicycle stem. This is located at the opposite end of the stem body and used to clamp a completely different bicycle component.

Furthermore, independent Claims 1, 11 and 20 have been amended to more clearly define the cavity in the medial portion of the recess of the handlebar clamping portion and/or member. Specifically, the claims now recite that the cavity in the recess of the handlebar clamping portion extends fully

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over the first arcuate extent thereof, and/or that the cavity in the recess of the handlebar clamping member extends fully over the second arcuate extent thereof. These features are neither claimed in the co-pending application nor taught by the cited references as will be discussed in more detail below.

Accordingly, it is requested that the double patenting rejection be withdrawn.

II. The Claimed Invention

The invention, as recited in independent Claims 1 and 11, for example, is directed to a bicycle stem for connecting a bicycle handlebar to a bicycle steering tube. The bicycle stem at least includes a handlebar clamping portion, having a first arcuate extent, and a handlebar clamping member, having a second arcuate extent, and cooperating with the handlebar clamping portion to clamp the bicycle handlebar therebetween. The handlebar clamping member and handlebar clamping portion each have a recess for the handlebar and a cavity in a respective medial portion of the recess to accommodate an enlarged diameter portion of the handlebar. Importantly, the cavity in the recess of the handlebar clamping portion extends fully over the first arcuate extent thereof, and the cavity in the recess of the handlebar clamping member extending fully over the second arcuate extent thereof. In other words, the cavity extends fully over the arcuate distance over which the handlebar clamping member/portion extends. The cavity is perhaps best illustrated in FIG. 19.

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Similarly, independent Claim 20 recites that the handlebar clamping member has a recess therein for the handlebar and the cavity is in the medial portion of the recess. Further, the handlebar clamping portion has a recess for the handlebar and an opening in a medial portion of the recess in communication with interior of the body portion, which is hollow.

III. The Claims Are Patentable

Claims 1-27 were rejected in view of Giard (U.S. 6,058,800) or Roddy (U.S. 5,881,606), alone, or in various combinations with Lai (U.S. 5,509,328) for the reasons set forth on pages 4-11 of the Office Action. Applicants contend that Claims 1-27 clearly define over the cited references, and in view of the following remarks, favorable reconsideration of the rejections is requested.

As discussed during the in-person interview, the Examiner has relied on the unlabeled hole in Figs. 9 and 11 of the Giard patent as meeting the claimed feature of a cavity in the recess of the handlebar clamping member. The Examiner acknowledged that the device of Roddy does not include such a feature.

As mentioned above, Claims 1, 11 and 20 have been amended to more clearly define over such an interpretation of the Giard patent. Specifically, the claims now recite that the cavity in the recess of the handlebar clamping portion extends fully over the first arcuate extent thereof, and/or that the cavity in the recess of the handlebar clamping member extends fully over the second arcuate extent thereof. In other words,

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the cavity extends fully over the arcuate distance over which the handlebar clamping member/portion extends.

The hole illustrated in Figs. 9 and 11 of the Giard patent cannot be fairly characterized as a cavity that extends fully over the arcuate distance over which the handlebar clamping member **44** extends.

There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the invention as set forth in Claims 1, 11 and 20. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejections under 35 U.S.C. §102 and §103 should be withdrawn.

It is respectfully submitted that independent Claims 1, 11, and 20 are patentable for the reasons detailed above. In view of the patentability of the independent claims, it is also submitted that their dependent claims, which recite yet further distinguishing features, are also patentable. These dependent claims require no further discussion herein.


IV. CONCLUSION

In view of the arguments provided above, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. If any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

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Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Respectfully submitted,


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Version With Markings to Show Changes Made

In the Claims:

Claims 28-37 have been canceled.

The Claims have been amended as follows:

1. (Amended) A bicycle stem for connecting a bicycle handlebar to a bicycle steering tube, the bicycle stem comprising:

a body portion having opposing first and second ends;

a handlebar clamping portion having a first arcuate extent and connected to the first end of said body portion;

a handlebar clamping member having a second arcuate extent and cooperating with said handlebar clamping portion to clamp the bicycle handlebar therebetween;

said handlebar clamping member and said handlebar clamping portion each having a recess for the handlebar and a cavity in a respective medial portion [thereof] of the recess to accommodate an enlarged diameter portion of the handlebar, the cavity in said recess of said handlebar clamping portion extending fully over the first arcuate extent thereof, and the cavity in said recess of said handlebar clamping member extending fully over the second arcuate extent thereof;

at least one fastener for securing said handlebar clamping member to said handlebar clamping portion; and

a steering tube clamping portion connected to the second end of said body portion.

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2. (Amended) A bicycle stem according to Claim 1 wherein said handlebar clamping member has a generally rectangular shape with [a] said recess therein defining with the cavity a pair of spaced apart contact areas for contacting the handlebar.

4. (Amended) A bicycle stem according to Claim 1 and wherein said recess of said handlebar clamping portion [has a recess therein defining] defines with the cavity a pair of spaced apart contact areas for contacting the handlebar.

11. (Amended) A bicycle stem for connecting a bicycle handlebar to a bicycle steering tube, the bicycle stem comprising:

a body portion;

a handlebar clamping portion having a first arcuate extent and connected to an end of said body portion and having a generally rectangular shape;

a handlebar clamping member having a second arcuate extent and having a generally rectangular shape aligned with said handlebar clamping portion and cooperating therewith to clamp the bicycle handlebar therebetween;

said handlebar clamping member and said handlebar clamping portion each having a recess for the handlebar and a cavity in a respective medial portion [thereof] of the recess to accommodate an enlarged diameter portion of the handlebar, the cavity in said recess of said handlebar clamping portion extending fully over the first arcuate extent thereof, and the

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cavity in said recess of said handlebar clamping member
extending fully over the second arcuate extent thereof; and
respective fasteners for securing corners of said
handlebar clamping member and said handlebar clamping portion
together.

12. (Amended) A bicycle stem according to Claim 11
wherein said recess of said handlebar clamping member [has a
recess therein defining] defines with the cavity a pair of
spaced apart contact areas for contacting the handlebar.

14. (Amended) A bicycle stem according to Claim 11
and wherein said recess of said handlebar clamping portion
[has a recess therein defining] defines with the cavity a pair
of spaced apart contact areas for contacting the handlebar.

20. (Amended) A bicycle stem for connecting a
bicycle handlebar to a bicycle steering tube, the bicycle stem
comprising:

a body portion having a tubular shape defining a
hollow interior;

a handlebar clamping portion having a first arcuate
extent and connected to an end of said body portion and having
a recess therein for the handlebar, said handlebar clamping
portion further having an opening in a medial portion of the
recess in communication with the hollow interior of said body
portion;

a handlebar clamping member having a second arcuate
extent and cooperating with said handlebar clamping portion to

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clamp the bicycle handlebar therebetween, said handlebar clamping member having a recess for the handlebar and a cavity in a medial portion of the recess, the cavity in said recess of said handlebar clamping member extending fully over the second arcuate extent thereof; and

at least one fastener for securing said handlebar clamping member to said handlebar clamping portion.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as ~~first class~~ ^{Express} mail in an envelope addressed to: DIRECTOR, U.S. PATENT AND TRADEMARK OFFICE, WASHINGTON, D.C. 20231, on this 15th day of November, 2002.

